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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,424	03/08/2001	William Westfield	CISCP546	4828

26541 7590 11/15/2004

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EXAMINER

LY, NGHI H

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/803,424

Applicant(s)

WESTFIELD, WILLIAM

Examiner

Nghy H. Ly

Art Unit

2686

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1-11, 14, 25, 26, 35 and 36.

Claim(s) objected to: _____.

Claim(s) rejected: 15-24, 29-34, 37 and 38.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Marsha D. Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 08/24/2004 have been fully considered but they are not persuasive.

On page 8 of Applicant's remarks, Applicant argues that "the finality of the current Final Office Action may not be proper" and "Non of the independent claims were amended in the Amendment filed on May 17, 2004".

The Examiner, however, disagrees. Independent claims 15, 21, 29, 30 and 32 were not amended in the previous Applicant's Amendment dated May 17, 2004 as alleged by the Applicant. However, Independent claims 15, 21, 29, 30 and 32 **have been amended with new claimed limitations** in the previous Applicant's Amendment dated February 10, 2004.

Therefore, the Examiner **only replaced the first final rejection dated 04/22/2004 with a second final rejection dated 07/01/2004.**

In addition, Applicant's attention is directed to the MPEP Paragraph 706.07(a) which clearly states a second or any subsequent action on the merits shall be final, except where the Examiner introduces a new ground of rejection that is neither necessitated by Applicants' amendment of the claims. However, in this case, independent claims 15, 21, 29, 30 and 32 have been amended in the previous Applicant's Amendment dated February 10, 2004 (or final rejection that is necessitated by Applicants' amendment of the independent claims 15, 21, 29, 30 and 32).

Art Unit: 2686

For the above reasons, the Examiner believes the final rejection of claims 15-24, 29-34, 37 and 38 in the Examiner's Office Action dated 07/01/2004 was proper.

On page 10 of Applicant's remarks, Applicant argues that Chang does not teach sending any IP messages through a radio access network.

The Examiner, however, disagrees. Chang indeed teaches sending any IP messages through a radio access network (see Chang, column 7, line 65 to column 8, line 4, which clearly states "Mobile IP registration messages are exchanged between the MS and the FA via BSC and between the FA and the HA via the GR"), and the combination of Rune and Chang does indeed teach Applicant's claimed limitations. In addition, Applicant's attention is directed to the rejection of claim 15 above.

On page 11 of Applicant's remarks, Applicant argues that neither Rune nor Chang teaches of a configurable hushing message that comprises IP packet in claim 21.

In response, Chang teaches an IP message (see Chang, column 7, line 65 to column 8, line 4, and column 8, lines 62-67, see "packet") and Rune teaches hushing message (Rune, column 8, lines 44-46, see "the GRAN will refuse to allow the subscriber to access the system" and it reads on Applicant's "hushing message"). In addition, claim 21 fails to further define what a hushing message is, and Applicant's specification fails to further define what an IP packet is. Therefore, the combination of Rune and Chang indeed teaches Applicant's claimed limitation with the broadest reasonable interpretation. In addition, Applicant's attention is directed to the rejection of claims 21 and 23 in the previous Office Action dated 07/01/2004.

On page 11 of Applicant's remarks, Applicant argues that Beamish does not teach suggest that "only the transmitter in a cell phone is turned off".

The Examiner, however, disagrees. See Beamish, column 2, lines 24-25 indeed teaches turn off the cell phone, the teaching of Beamish inherently teaches that only the transmitter in a cell phone is turned off, since batteries that connect to the processor always on or at least during idle mode. In addition, Applicant's specification page 14, lines 17 only discloses "the phone to turn itself off" not "only the transmitter in a cell phone is turned off".

For the above reasons, the examiner believes that the rejections to claims are proper.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2686

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

11/08/04